IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2731 OF 2004

Union of India & ors. .. .. Petitioners
v/s.
Prabhakar Dattatray Bhate & anr. .. Respondents

Mr.Ravi Shetty with Mr.Suresh Kumar i/by Mr.T.C.Kaushik for petitioners.

Mr.S.S.Karkera for res.Nos.1 & 2.

Mrs.Neeta Masurkar for res.No.3.

CORAM : H.L. GOKHALE &
S.C.DHARMADHKARI, JJ.

DATED : 28TH FEBRUARY 2005

P.C. :

1. Heard the learned Counsel for the parties.

2. Respondent Nos.1 and 2 had filed an original application in the Central Administrative Tribunal (for short "CAT") making a grievance that on the demise of the wife of respondent No.1, certain payments were wrongly made to her mother when the nomination was only in favour of respondent No.1 and respondent No.2. The original application was filed for a direction that the amounts, which were paid less to respondent Nos.1

and 2, ought to be paid. That original application was allowed. However, while allowing that original application, a direction was given that the amounts, which were paid to the mother of the deceased-employee, be recovered from respondent No.3, who according to the CAT, was responsible for the wrongful payments.

3. Mr.Shetty appearing for the petitioners states that respondent No.3 was not responsible for the circumstances leading to the payment to the mother of the deceased-employee. Therefore, this petition is filed wherein it is submitted that although now the order has been complied with and short-fall of the monies to be paid to respondent Nos.1 and 2 has been made good and though the amount has now been recovered from respondent No.3, the order of the CAT to the extent that it is against respondent No.3 be set aside and the petitioners be permitted to hold an appropriate enquiry and to find out as to who is responsible for it. Mr.Karkera appearing for respondent Nos.1 and 2 has no objection to this order being passed.

4. Hence, in the circumstances, we dispose of

this petition by setting aside the orders passed by the CAT on the original application as well as on the review application to the extent of respondent No.3 held guilty for the wrongful payment to the mother of the deceased-employee. The petitioners may refund the amounts recovered from respondent No.3 to him within four weeks. Petition is disposed of.

(H.L. GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)